

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**CHANCE SANDERS,**

**Plaintiff,**

**vs.**

**Case No. CIV-22-69-JFH-JAR**

**CORECIVIC, et al;**

**Defendants.**

**DEFENDANTS' APPLICATION FOR ORDER  
DIRECTING PREPARATION OF MARTINEZ REPORT  
AND HOLDING IN ABEYANCE/SET DEADLINE FOR  
ANSWER AND/OR DISPOSITIVE MOTIONS**

COME NOW Defendants CoreCivic, Rideout, Beck and Laster, through their attorney of record Darrell L. Moore, OBA 6332, of J. Ralph Moore, P.C., hereby making application to the Court for an Order holding in abeyance Defendants' time to Answer, setting an alternate deadline for filing an answer and/or dispositive motions, and, requiring the preparation and submission of a Special Report. In support of this application, Defendants state as follows:

1. Plaintiff's complaint was filed with this Court pursuant to 42 U.S.C. § 1983. Plaintiff Chance Sanders, DOC# 697074, is a person in the custody of the Oklahoma Department of Corrections and is presently confined in a penal institution in the State of Oklahoma. Plaintiff alleges in his complaint that Defendants violated his civil rights.

2. The Tenth Circuit Court of Appeals, in Martinez v. Aaron, 570 F.2d 317 (10<sup>th</sup> Cir. 1978), held that in an inmate litigation case it was an appropriate step for the District Court to Order prison officials to prepare an administrative record reviewing a plaintiff's allegations so as to enable the Court to decide preliminary issues. Several years later, in Hall v. Bellmon, 935 F.2d 1106, 1109 (10<sup>th</sup> Cir. 1991), the Tenth Circuit Court of Appeals stated: "When the pro se plaintiff

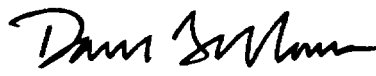
is a prisoner, a court-authorized investigation and report by prison officials (referred to as a *Martinez* report) is not only proper, but may be necessary to develop a record sufficient to ascertain whether there are any factual or legal bases for the prisoner's claims.”

3. CoreCivic, Inc., owns and operates the Davis Correctional Facility, Holdenville, Oklahoma. Defendants Rideout, Beck and Laster are employed by CoreCivic, Inc. The Oklahoma Department of Corrections and Corrections Corporation of America, Inc., have contracted to house prisoners at the Davis Correctional Facility.

4. Defendants request the Court issue an Order directing officials responsible for the operation of Davis Correctional Facility to prepare an administrative report for submission to the Court, consistent with the Martinez and Hall holdings. Defendants further request the Court issue an Order holding in abeyance their time to file an Answer and/or file dispositive motions until such time as a Special Report has been prepared and filed with the Court.

WHEREFORE, premises considered, Defendants hereby request the Court enter an Order requiring Davis Correctional Facility prison officials to prepare and file a Special Report; and, an Order setting deadlines for the filing of an answer and/or dispositive motions; and, for any and all further relief to which the Defendants may be entitled.

Respectfully submitted, Defendants CoreCivic,  
Rideout, Beck and Laster

BY:   
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Attorney for Defendants

*Certificate of Service*

I hereby certify that on May 5, 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

☒ I hereby certify that on May 5, 2022, I served the attached document by regular US Mail on the following, who are not registered participants of the ECF System:

Chance Sanders, DOC #697074  
Davis Correctional Facility  
6888 E. 133<sup>rd</sup> Rd  
Holdenville, OK 74848



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DARRELL L. MOORE